

## Office of Water News Clips – January 13, 2014

### West Virginia water ban: 'We see light at the end of the tunnel'

**Outlet: CNNMoney.com**

Four days after water restrictions were imposed in southwest West Virginia following a chemical spill, officials on Monday will begin to issue "zones" where residents can again use tap water.

The zones will be announced after an 8 a.m. ET meeting of an interagency water quality team, according to Linda Jordan with the West Virginia American Water Co. When the restrictions will be lifted wasn't immediately clear.

"I believe that we're at a point where we can say that we see light at the end of the tunnel," West Virginia Gov. Earl Ray Tomblin told reporters Sunday. "Our team has been diligent in testing samples from throughout the affected area."

Once the ban is lifted, residents will be asked to flush their lines before using water again. Customers will be given a credit on their bills to cover the wasted water, the water company says.

The restrictions affect about 300,000 residents in nine counties. By lifting the ban zone by zone, officials hope to keep the water system from getting overwhelmed.

Jeff McIntyre, president of West Virginia American Water said certain areas will be prioritized, including downtown Charleston, but decisions will also depend on test results.

#### How it all began

Water restrictions were imposed Thursday after it was discovered that about 7,500 gallons of 4-methylcyclohexane methanol, known as MCHM, had leaked out of a storage tank a mile upriver from the West Virginia American Water plant. The chemical is used to clean coal.

Residents were told to use bottled water to wash hands, brush teeth or take showers.

The federal Department of Homeland Security sent 16 tractor-trailer loads of bottled water to help and the water company also provided truckloads.

The medical impact was hard to assess.

"We've had a lot of worried-well calls," Dr. Rahul Gupta of the Kanawha-Charleston Health Department said over the weekend. He cited complaints of irritation of the skin, throat, chest and stomach that some residents have linked to possible exposure.

The unknowns made residents anxious.

"They don't even know what the health risks are," Stacy Kirk of Culloden told CNN affiliate WSAZ. "We had bathed, cooked and everything right before the news came on yesterday."

"I don't know anything about the chemical to say too much good or bad about it, so we're all up in the air," said Arthur Taylor. "We're common folks -- we're not chemists."

No quick fix for water woes

Officials have warned water customers to watch for symptoms of exposure to the chemical such as skin irritation, nausea, vomiting or wheezing.

Karen Bowling, secretary of the state's Department of Health and Human Resources, said Sunday that more than 1,000 people had called the West Virginia Poison Center, concerned about their exposure to contaminated water. There have also been more than 60 animal exposures reported.

A total of 10 people have been admitted to three hospitals, none in serious or critical condition, and 169 patients have been treated and released from emergency rooms, Bowling said.

The goal: Less than 1 part per million

Officials will know that the water is safe for more than firefighting and toilet flushing -- its only sanctioned uses now -- when tests find less than 1 part per million of MCHM in treated water, McIntyre said.

Four laboratories have been set up to measure the levels in a uniform manner. "The treatment plant must consistently produce samples at or below this level before the current do-not-use order is lifted," he said.

West Virginia National Guard Maj. Gen. James Hoyer said Sunday that sampling and testing at the water treatment facility showed a consistent number of below 1 part per million for 24 hours at the outflow of the facility.

"This allows us to move forward to the next phase of sampling and testing throughout the system," he said.

Anxiety about effects of chemical

Jordan urged people to get medical attention "if they are feeling something ... isn't right."

Many did just that.

"Our emergency rooms have been very busy with individuals unnecessarily concerned and presenting no symptoms," said the Charleston Area Medical Center.

Dr. Robert Maha, chief medical officer for MedExpress, a group of seven medical clinics in the area, said many patients sought treatment for symptoms they worried were tied to the chemical exposure.

He said the water crisis may contribute to the spread of flu because people are having a difficult time finding clean water to wash their hands.

"That's one of our biggest concerns for the community," Maha said.

7,500 gallons leaked

The chemical overflowed a containment area around the tank run by Freedom Industries, which supplies products for the coal-mining industry. It migrated over land and through the soil into the river. The leak happened about a mile upriver from the West Virginia American Water plant.

Mike Dorsey, chief of the Department of Environmental Protection's Homeland Security and Emergency Response group, said officials estimate that 7,500 gallons -- the equivalent of about 10 hot tubs that can accommodate eight people each -- leaked through a 1-inch hole in the tank's stainless steel wall.

"It's an old system," he said about the physical plant, adding that the company had planned to upgrade it.

C.W. Sigman, the deputy emergency manager for Kanawha County, said the tank appeared to be "antique."

"When I see a riveted tank I know it's an old tank," he said.

Dorsey expressed confidence that the chemical, which smells like licorice, did not start leaking long before Thursday morning, when it was reported. "We would have gotten odor complaints earlier than that if it had been going on longer," he said.

After concluding late Thursday afternoon that the tap water was contaminated, officials issued a stop-use warning to customers in Boone, Cabell, Clay, Jackson, Kanawha, Lincoln, Logan, Putnam and Roane counties.

Since then, the leaky tank has been hauled from the site, officials said.

Freedom Industries President Gary Southern said two Freedom employees noticed material leaking from a storage tank into a dike around 10:30 a.m. Thursday. They contacted authorities and began the cleanup process -- including hauling away the chemical still in the tank and vacuuming up some from the nearby ground, he said.

"We have mitigated the risk, we believe, in terms of further material leaving this facility," he said.

But Sigman, the emergency management official, said it didn't appear the company was in emergency mode when his team began to arrive Thursday.

"They didn't appear to understand the magnitude of the incident at the time, and we didn't either because we just got there," he said, adding that investigators from the Environmental Protection Agency had also arrived and took the lead in the investigation.

"It took a little bit of time to get a determination how serious it was," he continued. "I never got a good indication from the plant folks how bad the leak was, how much was going to the river, anything else. It

was probably a little ways into the incident before we realized how bad it was getting into the river."

## **CALIFORNIA: Gov. Brown's budget proposal targets water crisis, expands oil tax**

### **Outlet: Greenwire**

California Gov. Jerry Brown (D) signaled the severity of the water shortages yesterday by devoting a significant portion of his proposed \$154.9 billion budget to shoring up water management and infrastructure.

With drought threatening drinking water supplies, crops and fish habitat, Brown advocated spending more than \$600 million on expanding reservoirs, improving groundwater management and bolstering flood protection.

"The state's water system is in crisis," Brown said in his draft spending plan yesterday. "Climate change, drought, and population growth pose significant challenges."

The funding is to carry out a five-year plan for managing water supplies. Released in draft form last year and expected to be finalized in the next few weeks, the plan lists 10 goals for all levels of government, including expanding water storage capacity, improving flood protection and increasing regional self-reliance and conservation.

The spending on water came in a budget that prioritized other environmental efforts but cut some green spending. Brown also proposed:

Expanding a tax on oil to fund spill prevention efforts. Rail shipments of crude, including North Dakota Bakken oil, are expected to jump to approximately 150 million barrels per year by 2016 from the current 3 million annually. The petroleum is "extremely flammable and its transport increases the risk of serious accidents," the budget said.

Spending \$850 million from the sale of pollution permits under the state's cap-and-trade program for greenhouse gas emissions. The money would go to a variety of outlays, including \$250 million for a controversial high-speed rail line.

Eliminating a \$3 million adjustment that had been given last year to the California Coastal Commission to help local agencies deal with projected sea-level rise. The commission's budget would fall to \$14 million from \$17 million.

The bulk of the money for water efforts -- \$472.5 million -- is directed to encouraging local and regional agencies to work together on management. The money is the last of a 2006 voter-approved bond that authorized \$5.4 billion for water projects and is a significant increase from last year, officials said. Other expenditures include \$77 million on flood protection and \$7.8 million on groundwater monitoring and management.

"These investments in regional self-reliance are a huge win-win for the environment and the economy," said Doug Obegi, an attorney with the Natural Resources Defense Council's water program. "That really is an investment in a drought-resistant water supply for California."

Water agencies also praised the plan, highlighting funding for water storage, drinking water and flood control.

"In particular, we support the funds identified to expand water storage, which is greatly needed and long overdue, in addition to funding to improve drinking water and increase flood control, among other things," said Jennifer Persike, spokeswoman for the Association of California Water Agencies, which represents agencies responsible for 90 percent of the water delivered to cities, farms and businesses in California.

With California's return from the brink of fiscal insolvency in 2012, Brown's supporters said that he is managing the state's finances cautiously. There is a projected surplus of \$4.6 billion. But after making a number of one-time expenditures like paying back special fund loans, that balance drops to \$967 million.

Brown in the budget noted that some of the revenues came from a temporary tax increase that started last year and stock market advances that created taxable gains. Those sources will be "short-lived," he warned.

Proposition 30, a 2012 ballot measure, raised California's sales tax by one-quarter cent for four years, and for seven years boosted income taxes on people making more than \$250,000 per year. Voters approved it 54 percent to 46 percent.

A Republican tea party favorite who is running for governor noted that source of money as he criticized Brown's spending plan.

"After picking the pockets and balancing California's budget on the backs of hardworking taxpayers through the largest Tax increase in State history, Governor Brown this morning declared all of California's problems magically solved," State Assemblyman Tim Donnelly said yesterday in a statement. "It must be nice to view the State's problems through such rose-colored lenses. The reality is, a magnitude of problems still face California."

The budget for 2014-15 projects about \$7.2 billion in revenues from Proposition 30, the state's Department of Finance said.

High-speed rail gets carbon proceeds

Brown's budget seeks to tap revenue from the state's landmark cap-and-trade system to help bankroll a high-speed rail line.

A state court in November ordered the state to write a new funding plan for the \$68 billion bullet train project. Sacramento County Superior Court Judge Michael Kenny ruled that the California High-Speed

Rail Authority had failed to comply with Proposition 1A, the 2009 ballot measure that approved \$9.95 billion for the train between San Francisco and Los Angeles.

Of \$850 million in estimated cap-and-trade auction revenues, the governor proposed spending \$250 million on high-speed rail and another \$600 million on renewable energy, energy efficiency and other carbon-cutting programs.

Brown also pledged to return \$100 million of the \$500 million he borrowed last year from the sale of allowances under cap and trade. Some of the cap-and-trade money is being used for water programs, as well -- \$20 million for energy efficiency improvements to water infrastructure and \$30 million for watershed and wetlands restoration, which will help sequester carbon.

California EPA Secretary Matt Rodriguez said that the state was being "conservative" in projecting that it would have \$850 million available from the sale of pollution permits. If the allowance auctions take in more than that amount, the money would be saved for the following budget year, when a decision would be made on how to spend it.

Rodriguez said he was confident that the state could withstand a court challenge of its decision to use money from cap-and-trade proceeds on the high-speed rail project.

"We've made the decision in the past, and I think [the Air Resources Board] has written letters to this effect, that high-speed rail should reduce greenhouse gas emissions," Rodriguez said. "It will take cars off the road, and we think that's important because ... roughly 40 percent of greenhouse gas emissions in California come from autos. If we can take autos off the road and have Californians use cleaner transportation options, then that will reduce greenhouse gas emissions."

#### Oil spill prevention

The \$6.7 million in funds for oil spill prevention and administration is part of an effort to prepare for more oil being moved by rail, state officials said.

"We know that domestic production of crude oil has increased over the last years," said Chuck Bonham, director of the Department of Fish and Wildlife. "That increase has exceeded kind of our out-pipeline capacity. We know that that has caused a shift to moving oil by rail." At the same time, he said, the proposal "is about creating a statewide integrated program for oil spill preparedness and response."

Another California official noted that rail safety is a federal responsibility. The money in the budget, he said, is for the ability to respond to any problems.

The money would go toward prevention, emergency response preparedness, cleanup and enforcement measures. Funding would come from expanding a charge collected on barrels of oil. Currently, the state charges 6.5 cents per barrel of crude oil at marine ports. Under the proposal, it would be charged on all crude oil sent to refineries in the state.

Oil industry representatives said they hadn't taken a position on the fee yet but welcomed the

acknowledgement of fossil fuels' role in California.

"We recognize and appreciate the increasing role that crude shipments by rail can play in California's energy future," said Cathy Reheis-Boyd, president of the Western States Petroleum Association. "This organization and this industry share the governor's goals to ensure the safety of the extraction, transportation and processing of fossil fuels in California."

Brown rejects severance tax idea

While Brown is proposing to expand a charge on crude oil, he dismissed the idea of an oil severance tax yesterday, saying voters have already been subjected to tax increases.

The idea was floated late last year by billionaire political activist Tom Steyer,. He said that taxing companies on each barrel of oil produced in the state would bring California up to speed with other oil-producing states.

"I don't think this is the year for new taxes," Brown said in response to reporters' questioning in Sacramento. "I think we ought to do everything we can to learn to live within our means before going back and trying to get new taxes."

The state budget cuts Coastal Commission funding to \$14 million from \$17 million. State officials said that the \$3 million in question was money added just last year to help local agencies update their coastal plans and adapt to future sea-level rise.

During a conference call with state officials, one environmentalist advocate decried the cut. Warner Chabot, former head of the California League of Conservation Voters, said the funds are needed, "given the fact that sea-level rise is going to have such significant impacts and there are commitments to try to address adaptation."

"I'm sort of stunned by the \$3 million cut to the Coastal Commission for a program that they just had started, to deal with helping over 50 local governments update their local coastal plans, " he said. "They have scrambled, they've hired 20 staff, they've put the program in place, they've allocated \$1 million in grant money, they developed a sea-level rise adaptation program.

"It seems like the car has just left out of the garage and is speeding, and they've removed the tires from it," Chabot added.

A state Department of Finance official told Chabot that the \$3 million added to last year's budget had been a "one-time augmentation."

In developing this year's spending plan, the official said, "there were lots of other considerations for many other programs to continue spending general funds."

**WATER POLLUTION: Del. judge tosses enviro suit over oil refinery**

**Outlet: Greenwire**

A coalition of environmental groups has asked a Delaware Superior Court judge to reconsider a decision to dismiss a lawsuit seeking to force state regulators to require the Delaware City Refinery to meet stricter pollution standards.

The Delaware Riverkeeper Network and the state chapters of the Audubon Society and the Sierra Club sued Delaware regulators in an attempt to force state officials to develop a new federally required permit for the plant within six months.

The groups argued that the refinery, owned by PBF Energy, is responsible for the deaths of more than 45 million fish and organisms every year.

Judge Diane Clarke Street, who dismissed the case Jan. 2 even though the state had not requested the move, relied on assertions from Delaware's Department of Natural Resources and Environmental Control that it was within its rights to delay action while it waited for guidance from the federal government. The agency said it is waiting for new U.S. EPA rules on cooling water intakes, which it expects will be released next week.